

February 14, 2005

*SENT VIA FACSIMILE & USPS*

Alabama Department of Rehabilitation Services  
Attention: Mr. Ray Dennis  
P.O. Box 11586  
2129 E. South Blvd  
Montgomery, Alabama 36111-0586  
(334) 281-8780 office  
(334) 613-2239 fax

Mr. Ray Dennis:

I received the letter you sent via Federal Express on Friday February 11, 2005. In this letter you stated that the requests within your letter was non-negotiable and that they represent actual changes that must occur as a condition of my continued employment under the Business Enterprise Program.

However, you are totally incorrect and are out of compliance and in clear violation of Alabama State Code 1975 §§ 21-1-40 and 21-9-9; 20 U. S. C. § 107 et. Seq. along with the rules and regulations contained within the Blind Enterprise Program listed below:

**795-7-12-.01ER Review - General**  
**795-7-12-.02ER Administrative Review**  
**795-7-12-.03ER Conference with the Commissioner**  
**795-7-12-.04ER Full Evidentiary Hearing**

You have not complied with any of the above State Rules, Laws, or Regulations and are acting totally out of line and are not withholding your oath of office that you were sworn to uphold. As acting Director of the Business Enterprise Program along with your other representatives Kenneth Green and Perry Hopper are all supposed to be in a position of providing assistance to blind and other handicapped vendors and not in the position of choosing sides in times of disputes.

Point in case is the letter that you sent to me drafted by Plant Maintenance Supervisor James (Buddy) Swearengin which contained false accusations, lies, and is just another attempt by Mr. Swearengin to cause me to be put in a position where I can no longer perform my work at the Gordon Person's office building located at 50 Monroe St in Montgomery, Alabama 36104.

I have been a blind vendor in good standing in this program for the past 29 years and have performed outstanding vendor services in the Gordon Person's State Office Building for the past 9 years. My assistant Mrs. Gladys Scott; who is also my wife, has been my guide and my eyes for more than 39 years now and she will continue to work along side me in the Business Enterprise Program in the Gordon Person's building located at 50

Monroe St in Montgomery, Alabama 36104. Mr. Swearengen has disrespected me and my wife on numerous occasions most of which were brought to your attention but yet he has continued to be disrespectful and most uncooperative. Mr. Swearengen's unprofessionalism and disrespect will not be tolerated by myself or my wife/assistant, nor should it be tolerated by anyone else.

When I requested to be granted access to one of my work areas that now requires a special id badge I was given a badge but after a few months the badge stopped working. Evidently, the badge was a temporary badge but I was not told this when it was handed to me. Then when I inquired as to why it no longer worked I was rudely told that I was not a State of Alabama employee, that I was Self-Employed, and that I would not be given another badge.

As a handicapped and blind person in the United States this clearly violates Federal Law listed as Title I of the Americans with Disabilities Act (ADA) which requires an employer with 15 or more employees to provide reasonable accommodation for individuals with disabilities, unless it would cause undue hardship. A reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities.

My request for a simple card access badge is a valid and reasonable request and should not have caused Mr. Swearengen to become disrespectful, uncooperative, and to draft a letter full of lies and contempt. Mr. Swearengen's letter is clearly a retaliatory act that I was not given the smallest of opportunities to reply or defend since you, Kenneth Green, and Perry Hopper met secretly with Mr. Swearengen and agreed to the terms stated in your letter without my consent. Again, this act alone violates Alabama State Code 1975 §§ 21-1-40 and 21-9-9; 20 U. S. C. § 107 et. Seq.

To continue, I and my assistant/wife Gladys Scott have always performed professionally and have always and gladly refunded money to all customers who for whatever reason was not satisfied with the product they received from the vending machines or for any product that did not dispense after they inserted their payment. This again is another lie being told by Plant Maintenance Supervisor James (Buddy) Swearengen. Mr. Swearengen's accusation of me and my assistant/wife threatening to bring a gun and shoot personnel is outrageous and totally false! If Mr. Swearengen was so concerned with providing a safe and pleasant environment for employees and visitors, and that we were threatening to shoot personnel, then why wasn't the Police called to escort us off of the premises and why did he give me three(3) days to replace my wife. Such an act is considered an Act of Terrorism and is something that should be dealt with immediately by contacting the proper authorities.

But I can tell you why this was not done, it is because all of these accusations are lies, false, and are yet another attempt by Mr. Swearengen to remove me from providing vending services in the Gordon Person's building. Every time I and/or my assistant working on my behalf submit a request to Mr. Swearengen for assistance with issues that are preventing me from performing my job he gets upset that it is being brought to his

attention and feels that I should just be glad that I am working and go along with the good ole' boy program like everyone else and just go along with whatever decision(s) that were made no matter how much they inconvenience me a blind person or how much they hurt my business. This Mr. Dennis is not fair and is a violation of my civil rights.

Therefore, in compliance with Alabama State Code 1975 §§ 21-1-40 and 21-9-9; 20 U. S. C. § 107 et. Seq. which contains **795-7-12-.02ER Administrative Review**; I am requesting to be granted an Administrative Review with all of the involved parties, including Mr. Swearengin who is the individual making all of these false allegations.

In the meantime, I and my assistant/wife will continue to provide the best vending services in the industry at the Gordon Person's building located at 50 Monroe St in Montgomery, Alabama 36104 pending the outcome of the above requested hearing.

You may reach me at (334) 272-2657 via phone and/or fax at the same number.

I look forward to hearing from you soon with a date and time for this Administrative Review.

Thank you for your prompt attention to this matter.

Sincerely,

Calvin Scott, Sr.  
Blind BEP Vendor

Cc: Joe Helm  
Perry Hopper  
Ken Green  
Russell Steve Shivers